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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

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THE LAW FUNDER, LLC,  
Plaintiff/Garnishor,

vs.

EDWARD D. JONES & CO., L.P.,  
Garnishee

vs.

SERGIO MUNOZ, JR., et. al,  
Defendants-Debtors.

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Civil Action: 7:14-cv-00981

**NOTICE OF GARNISHMENT**

To: Sergio Munoz, Jr. and the Law Offices of Sergio Munoz, Jr., P.C., Defendants, by and through their attorneys, Francisco J. Rodriguez, Law Office of Francisco J. Rodriguez at 1111 W. Nolana Avenue, McAllen, Texas 78504 and John F. Carroll, 111 West Olmos Drive, San Antonio, Texas 78212

You are hereby notified that certain properties alleged to be owned by you have been garnished. If you claim any rights to such property, you are advised:

**“YOU HAVE A RIGHT TO REGAIN POSSESSION OF THE PROPERTY BY FILING A REPLEVY BOND. YOU HAVE A RIGHT TO SEEK TO REGAIN POSSESSION OF THE PROPERTY BY FILING WITH THE COURT A MOTION TO DISSOLVE THIS WRIT.”**

Respectfully submitted,

**LAW OFFICE OF J. FRANCISCO TINOCO, P.C.**

/s/ J. Francisco Tinoco

J. Francisco Tinoco, TBA: 24067418

Email: [tinoco@sotxlaw.com](mailto:tinoco@sotxlaw.com)

The Chase Tower

200 S. 10<sup>th</sup> Street, Suite 802

McAllen, Texas 78501

(956) 683-8300 – (Telephone)

(956) 683-8305 – (Facsimile)

**CERSONSKY, ROSEN & GARCIA, P.C.**

/s/ M. H. Cersonsky

M. H. Cersonsky, TBA: 04048500

Email: [mhcersonsky@law-crg.com](mailto:mhcersonsky@law-crg.com)

1770 St. James Place, Suite 150

Houston, Texas 77056

(713) 600-8500 – Telephone

(713) 600-8585 – Facsimile

**ATTORNEYS FOR PLAINTIFF-  
GARNISHOR, THE LAW FUNDER, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 7<sup>th</sup> day of June 2018, the foregoing Certificate of Service by Mail and Notice of Garnishment, was served as following:

**Via Electronic Case Filing**

**CM/RRR: #7014 1200 0001 0750 1018**

**& First-Class U.S. Mail**

Francisco J. Rodriguez  
Law Office of Francisco J. Rodriguez  
1111 W. Nolana Avenue  
McAllen, Texas 78504

**Via Electronic Case Filing**

**CM/RRR: #7014 1200 0001 0750 1025**

**& First-Class U.S. Mail**

John F. Carroll  
111 West Olmos Drive  
San Antonio, Texas 78212

*Attorneys for Defendants*  
*Law Offices of Sergio Munoz, Jr., P.C.*  
*Sergio Munoz, Jr., individually*

/s/ M. H. Cersonsky

M. H. Cersonsky

[illegible]

Respectfully submitted,

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/s/ J. Francisco Tinoco

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*Attorneys for Defendants*  
*Law Offices of Sergio Munoz, Jr., P.C.*  
*Sergio Munoz, Jr., individually*

/s/ M. H. Cersonsky

M. H. Cersonsky



### **A. REQUEST FOR EX PARTE CONSIDERATION**

Request For Ex Parte Consideration. Garnishor requests that the Court consider and grant this application for Writ of Garnishment on an ex parte basis. Given the nature of the garnishment requested, namely account(s) at a financial institution, if the judgment-debtors are advised of the request and issuance of a Writ of Garnishment prior to the service of the Writ of Garnishment, it is likely that the judgment-debtors will close any accounts at issue which will irreparably harm the Garnishor.

### **B. FACTUAL BACKGROUND**

On September 29, 2017, Garnishor obtained a judgment ("Judgment") against Debtors-Defendants Sergio Munoz, Jr. and Law Offices of Sergio Munoz, Jr., P.C., ("Defendants") in this action, a true and correct copy of which is attached hereto as Exhibit 1 and incorporated herein by reference as if fully set forth. The Judgment is valid and subsisting, and the amount owed on the Judgment against Sergio Munoz, Jr. and Law Offices of Sergio Munoz, Jr., P.C., jointly and severally, is as follows:

- a. the sum of \$2,988,660.61;
- b. court costs; and
- c. post-judgment interest at an annual interest rate of 1.31%.

### **C. BASIS FOR THE WRIT OF GARNISHMENT**

Garnishor has reason to believe, and does believe, that Garnishee has in hand property belonging to or otherwise received from Defendants and/or is indebted to Sergio Munoz, Jr. and the Law Offices of Sergio Munoz, Jr., P.C. In particular, but without limitation, Garnishor seeks garnishment of any and all: cash on hand from or held on behalf of Defendants; funds received from or held or paid on behalf of Defendants; and/or personal accounts owned by Defendants, including any checking, savings, money-market, or brokerage cash accounts, and as well, any property



belonging to Sergio Munoz, Jr. and/or the Law Offices of Sergio Munoz, Jr., P.C. Within Plaintiff's knowledge, Defendants Sergio Munoz, Jr. and the Law Offices of Sergio Munoz, Jr., P.C. do not possess property within the State that is subject to execution and that is sufficient to satisfy the judgment. This garnishment is not sought out to injure either Defendants or Garnishee.

Garnishor requests that the Court waive any bond that might be required for the issuance of the Writ of Garnishment.

Plaintiff, The Law Funder, LLC is entitled to issuance of the Writ of Garnishment on the grounds stated in the attached affidavit, which is incorporated herein. The affidavit sets forth the grounds for the belief that garnishee has assets of Defendants or is indebted to Defendants.

#### **D. PRAYER**

Accordingly, Plaintiff, The Law Funder, LLC, prays that:

1. A Writ of Garnishment be issued directed to Garnishee;
2. Defendants Sergio Munoz, Jr. and the Law Offices of Sergio Munoz, Jr., P.C. be served with a copy of the Writ of Garnishment, **after it is served on garnishee**, along with this application and the accompanying affidavit;
3. The Law Funder, LLC be granted judgment against the Garnishee for amounts due on the Final Judgment by Sergio Munoz, Jr. and the Law Offices of Sergio Munoz, Jr., P.C., as follows:
  - a. the sum of \$2,988,660.61;
  - b. court costs; and
  - c. post-judgment interest at an annual interest rate of 1.31%.

Garnishor, The Law Funder, LLC be granted such other and further relief at law and in equity to which Garnishor The Law Funder, LLC may be justly entitled.

Dated May 8, 2018.

Respectfully submitted,

**LAW OFFICE OF J. FRANCISCO TINOCO, P.C.**

/s/ J. Francisco Tinoco

J. Francisco Tinoco, TBA: 24067418

Email: [tinoco@sotxlaw.com](mailto:tinoco@sotxlaw.com)

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**CERSONSKY, ROSEN & GARCIA, P.C.**

/s/ M. H. Cersonsky

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GARNISHOR, THE LAW FUNDER, LLC**



4. Defendants Sergio Munoz, Jr. and the Law Offices of Sergio Munoz, Jr., P.C. do not possess, to Plaintiff's knowledge, property within the State of Texas subject to execution and that is sufficient to satisfy the Judgment. The garnishment is not sought to injure Defendants Sergio Munoz, Jr. and the Law Offices of Sergio Munoz, Jr., P.C.
5. Upon information and belief, I have reason to believe and do believe that Garnishee Edward D. Jones & Co., L.P., has property belonging to Defendants, or is indebted to Defendants Sergio Munoz, Jr. and/or the Law Offices of Sergio Munoz, Jr., P.C.
6. The grounds or basis for the belief that Edward D. Jones & Co., L.P., has property belonging to Defendants or is indebted to Defendant Sergio Munoz, Jr. is a prior year consolidated 1099 statement from Edward D. Jones & Co., L.P. with Sergio Munoz, Jr.'s name on the statement for account number ending in 1-1, which was produced in post-judgment discovery. Another document shows an account ending in 1-2.

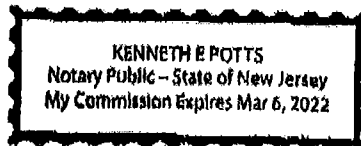
THE LAW FINDER, LLC

By:

George Prussin

Partner  
Title

SUBSCRIBED AND SWORN TO BEFORE ME on this the 2 day of May 2018, to certify which witness my hand and official seal.



Kenneth Potts  
Notary Public in and for  
the State of New Jersey

Disposition Clerk: \_\_\_\_\_

## SOUTHERN DISTRICT OF TEXAS

www.pearsoned.com

## WRIT OF GARNISHMENT AFTER JUDGMENT

# EXHIBIT C

Date	5-16-78
Rct. No.	1095119
Ck. No.	7933
Pct. 5	\$140.02



BETH VILLARREAL  
DALLAS COUNTY  
CONSTABLE PRECINCT 5

OFFICERS RETURN OF SERVICE

Received at 953 o'clock AM on the 14 day of May, 2018, and executed in  
Dallas County at 935 o'clock PM on the 16 day of May, 2018 by delivering to  
Edward D. Jones 3 CO, L.P., by serving it's registered agent C.T. Corporation  
System - Ana Guel in person a true copy of a Writ of Garnishment and  
executed at 1999 Bryan St #900, Dallas, TX 75201.

Fee: \$140.00

St. Nicole McManis 502  
Dallas County Deputy Constable Pct. 5